

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY KIGALI

C O N F I D E N T I A L STATE 206825

E.O. 11652: GDS

TAGS: MASS, RW

SUBJECT: DRAFT PRESIDENTIAL DETERMINATION

1. AS PER 29 AUGUST TELECON, AF FORWARDS HERewith
SUBJECT PAPER FOR YOUR CLEARANCE AND COMMENTS.

2.ISSUE FOR DECISION - YOU ARE ASKED TO FIND THAT THE
SALE OF ARTICLES AND SERVICES UNDER THE ARMS EXPORT
CONTROL ACT (THE ACT) TO RWANDA WILL STRENGTHEN THE
SECURITY OF THE UNITED STATES AND PROMOTE WORLD PEACE.
YOU ARE ALSO ASKED TO ISSUE A POLICY DIRECTIVE INSTRUCTING
THE DEPARTMENT OF STATE TO LIMIT RWANDAN ACQUISITIONS
UNDER THE ACT ONLY TO NON-LETHAL EQUIPMENT. YOUR FINDING
AND DIRECTIVE WILL ASSIST THE UNITED STATES GOVERNMENT IN
RESPONDING POSITIVELY TO A RWANDAN REQUEST FOR ASSISTANCE
TO PURCHASE, ON A GOVERNMENT-TO-GOVERNMENT BASIS UNDER
FOREIGN MILITARY SALES (FMS) PROCEDURES, EQUIPMENT AND
TRAINING REQUIRED BY THE ARMED FORCES OF RWANDA FOR NATION
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BUILDING PROJECTS.

BACKGROUND - ONE OF THE POOREST NATIONS IN AFRICA, RWANDA
HAS SOUGHT TO MOBILIZE ALL SECTORS OF ITS SOCIETY INCLUDING
THE MILITARY TO WORK FOR NATIONAL ECONOMIC DEVELOPMENT.
PRESIDENT HABYARIMANA RECOGNIZES THAT AS AN ORGANIZED AND
COMPETENT INSTITUTION, THE MILITARY MUST PLAY A DUAL ROLE

IN ECONOMIC DEVELOPMENT AS WELL AS PEACE KEEPING. HIS GOVERNMENT HAS ASKED THE UNITED STATES TO PROVIDE TRANSPORT AND COMMUNICATIONS EQUIPMENT AND ASSOCIATED TRAINING FOR THE RWANDAN ARMY TO BE USED ESSENTIALLY IN NATION BUILDING ACTION.

I WOULD LIKE TO BE ABLE TO RESPOND TO THE RWANDAN REQUEST. THIS CAN BE DONE ONLY BY DECLARING RWANDA ELIGIBLE UNDER THE ACT. I PROPOSE FURTHER THAT BY DIRECTIVE, RWANDA BE PERMITTED TO PURCHASE ONLY NON-LETHAL U.S. EQUIPMENT OF A NATION-BUILDING CHARACTER.

ALTERNATIVE METHODS TO ACCOMPLISH THIS SAME GOAL HAVE BEEN CAREFULLY REVIEWED AND FOUND UNACCEPTABLE BECAUSE OF LEGISLATIVE CONSTRAINTS. AID IS EXPRESSLY PROHIBITED FROM MAKING COMMODITY TRANSFERS TO MILITARY ORGANIZATIONS. IT IS ALSO NOT POSSIBLE FOR AID TO PROVIDE EQUIPMENT TO A CIVILIAN RWANDAN GOVERNMENT AGENCY FOR EVEN PARTIAL USE BY THE MILITARY FORCES.

ANY EFFORTS TO CHANGE THE AID LEGISLATION TO PERMIT TRANSFERS TO THE MILITARY WOULD ENCOUNTER STRONG CONCERNS ABOUT JEOPARDIZING THE IMAGE OF THE OVERALL AID PROGRAM AS CIVILIAN. DUE TO THE FRAGILE NATURE OF RWANDA'S SUBSISTENCE ECONOMY, THE EXIM BANK AND PRIVATE COMMERCIAL INSTITUTIONS WILL NOT MAKE CREDITS AVAILABLE TO THE

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GOVERNMENT OF RWANDA FOR NON-REVENUE PRODUCING PROJECTS.

IF YOU FIND RWANDA ELIGIBLE, WE ANTICIPATE THAT WE WOULD PROVIDE IT WITH MODEST AMOUNTS OF FMS CREDITS SALES.

JUSTIFICATION - RECOGNITION THAT NATIONAL STABILITY IS A PREREQUISITE OF DEVELOPMENT AND THAT BOTH STABILITY AND ECONOMIC GROWTH THROUGHOUT AFRICA ARE IN THE INTERESTS OF THE UNITED STATES.

-- A MEASURED SYMPATHETIC RESPONSE TO LEGITIMATE SECURITY AND DEVELOPMENTAL NEEDS OF A FRIENDLY GOVERNMENT.

-- SUPPORT IN AN INNOVATIVE MANNER A DEVELOPMENT ROLE FOR THE RWANDAN MILITARY IN RECOGNITION THAT IT IS A RESERVOIR OF MANPOWER AND SKILLS THAT SHOULD BE STRENGTHENED IN PURSUIT OF NATIONAL ECONOMIC GOALS.

-- WE SHOULD NOT REFUSE TO ASSIST A COUNTRY BECAUSE THE MOST COMPETENT ORGANIZATION TO GET THINGS DONE ON A NATIONAL SCALE, BE IT REFUGEE RELIEF OR ROAD BUILDING, HAPPENS TO BE THE MILITARY.

-- ENCOURAGE THE RWANDAN GOVERNMENT IN ITS CHOSEN POLICY

OF CONCENTRATION ON ECONOMIC OBJECTIVES RATHER THAN
ARMS ACQUISITIONS.

-- SUPPORT OUR OFT STATED INTENTION TO MAKE MEANINGFUL
ASSISTANCE AVAILABLE TO THE POOR NATIONS OF AFRICA
ACCORDING TO THEIR PRIORITIES.

-- A USG SUPPORTED NON-LETHAL MILITARY AID PROGRAM
ESTABLISHES A REAL POLICY ALTERNATIVE TO AN AFRICAN
ARMS RACE.

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LEGAL CONSIDERATIONS - RWANDA IS NOT AT PRESENT ELIGIBLE
TO PURCHASE DEFENSE ARTICLES AND SERVICES ON A GOVERNMENT-
TO-GOVERNMENT BASIS. SECTION 3(A)(1) OF THE ACT PROVIDES
AS ONE OF THE CONDITIONS OF ELIGIBILITY FOR ANY FOREIGN
COUNTRY TO PURCHASE DEFENSE ARTICLES OR SERVICES FROM THE
UNITED STATES GOVERNMENT THAT THE PRESIDENT FIND THAT SUCH
SALES WILL "STRENGTHEN THE SECURITY OF THE UNITED STATES
AND PROMOTE WORLD PEACE." AUTHORITY TO MAKE THIS
FINDING IS RESERVED TO THE PRESIDENT BY SECTION 1(A) OF
EXECUTIVE ORDER 11958 OF JANUARY 18, 1977.

CONGRESSIONAL CONSIDERATIONS - PRELIMINARY SOUNDINGS
INDICATE THAT THERE WOULD BE CONGRESSIONAL SUPPORT FOR
MORE FULLY INVOLVING CERTAIN AFRICAN MILITARY ORGANIZAT-
IONS IN NATIONAL DEVELOPMENTAL ACTIVITIES RATHER THAN
ASSISTING THEM IN ACQUIRING ARMS. THE POLICY DIRECTIVE
LIMITING TRANSFERS TO NON-LETHAL ITEMS WILL BE RE-
ASSURING IN THIS RESPECT.

HOWEVER, WE MUST EXPECT SOME OPPOSITION ON THE GROUNDS
THAT TRANSFERS OF NATIONAL-BUILDING MATERIEL AND
TRAINING ARE NOT THE SPECIFIC INTENT OF THE ACT, AS WELL
AS GENERAL OPPOSITION TO INCREASING THE NUMBER OF FMS
ELIGIBLE COUNTRIES.

WE WILL PROVIDE CONGRESS WITH THE ATTACHED JUSTIFICATION
AS HAS BEEN OUR PRACTICE WITH PREVIOUS DETERMINATIONS.
GIVEN THE DEVELOPMENT NATURE OF THE PROGRAM WE DOUBT
THERE WILL BE MAJOR OPPOSITION TO DECLARING RWANDA
ELIGIBLE TO PURCHASE ARTICLES AND SERVICES FROM THE
UNITED STATES.

ALTHOUGH NOT REQUIRED BY LAW, WE BELIEVE NOTIFICATION
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TO CONGRESS AND PUBLICATION OF THE DETERMINATION IN THE
FEDERAL REGISTER WILL BE HELPFUL IN ITS IMPLEMENTATION.

OTHER CONSIDERATIONS - THERE ARE NO ARMS CONTROLS RISKS
IN FURNISHING NON-LETHAL MILITARY EQUIPMENT TO RWANDA.

PRESIDENT HABYARIMANA'S GOVERNMENT HAS SIGNIFICANTLY
IMPROVED THE HUMAN RIGHTS SITUATION IN RWANDA. THE
NATION IS DEALING OPENLY WITH ENTRENCHED TRIBAL
ANIMOSITIES AND IS ACHIEVING PROGRESS TOWARDS ETHNIC
RECONCILIATION. RWANDAN AUTHORITIES GENERALLY RESPECT
PERSONAL FREEDOMS AND MOST CIVIL LIBERTIES. HOWEVER,
PARTISAN POLICIES HAVE BEEN SUSPENDED SINCE 1972.

RECOMMENDATION - I RECOMMEND THAT YOU APPROVED AND SIGN
THE ATTACHED DETERMINATION, AND THE POLICY DIRECTIVE
LIMITING TRANSFERS TO NON-LETHAL ITEMS. BY SIGNING YOU
WILL THEREBY APPROVE THE ATTACHED JUSTIFICATION FOR THE
DETERMINATION.

IN ACCORDANCE WITH ESTABLISHED PROCEDURES, YOUR
DETERMINATION, THE POLICY DIRECTIVE, AND THE ATTACHED
JUSTIFICATION WILL BE FURNISHED TO THE CONGRESS. THE
DETERMINATION ALONE WILL BE PUBLISHED IN THE FEDERAL
REGISTER. VANCE

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